

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KEITH NEFF,	:	1:21-CV-01972
	:	
Plaintiff,	:	(Magistrate Judge Schwab)
	:	
v.	:	
	:	
U.S. BANK, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

ORDER

February 11, 2022

Plaintiff Keith Neff began this action by filing a complaint, but he did not pay the filing fee or file an application to proceed *in forma pauperis*. By an Order dated November 23, 2021, the Clerk of Court ordered Neff to either pay the filing fee or to file an application to proceed *in forma pauperis* within 30 days. On December 20, 2021, Neff filed a document titled as an amended complaint to which he attached as an exhibit an application for leave to proceed *in forma pauperis*. We directed the Clerk of Court to separately docket that application for leave to proceed *in forma pauperis*.

Neff stated in his application for leave to proceed *in forma pauperis* that, among other income and assets, he has \$14,800 on a Reliacard. *See doc. 6* at 2, ¶ 4. Based on this and concluding that he has sufficient funds to pay the filing fee in

this case, we denied Neff's application for leave to proceed *in forma pauperis* and ordered him to pay the filing fee.

Neff has not paid the filing fee. But he has filed a document in which he states, among other things, that he does not have access to the funds on the Reliacard. *See doc. 8* at 4, ¶ 4. Considering this and looking back at Neff's complaint, we now see that Neff's claim is that he was denied access to this \$14,800. *See doc. 1* at 4–5. Accordingly, we will vacate the order denying Neff's application to proceed *in forma pauperis*, and we will, in fact, grant his application to proceed *in forma pauperis*.

Based on the foregoing, **IT IS ORDERED** that the Order of January 6, 2022 (*doc. 5*) denying Neff's application for leave to proceed *in forma pauperis* is **VACATED. IT IS FURTHER ORDERED** that Neff's application (*doc. 4*) for leave to proceed *in forma pauperis* is **GRANTED**.¹

S/Susan E. Schwab
Susan E. Schwab
United States Magistrate Judge

¹ By a separate order, we granted Neff leave to file an amended complaint.